

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**IN RE: PHARMACEUTICAL INDUSTRY AVERAGE
WHOLESALE PRICE LITIGATION**

MDL No. 1456
C.A. No. 01-12257-PBS

**THIS DOCUMENT PERTAINS TO:
ALL CLASS ACTIONS**

Judge Patti B. Saris

DECLARATION OF M. JOYCE HOWE

I, M. Joyce Howe, hereby declare as follows:

1. This Declaration is submitted in opposition to the Defendants' Motions for Summary Judgment.

2. I am a resident of the State of Oregon and reside in Mapleton, Oregon.

3. My husband, Robert ("Bob"), was diagnosed with prostate cancer, and was prescribed several physician-administered drugs as part of his treatment for his cancer: dexamethosone sodium phosphate; docetaxel; gentamicin sulfate; goserelin acetate; granisetron; novatrone; darbepoetin alfa, filgrastim and pegfilgrastim.

4. Bob paid for a portion of the cost of these physician-administered prescription medications which he received.

5. My husband treated for his cancer with the following healthcare providers: Health Associates of Peace Harbor; Dr. Peter Bergreen, Oregon Urology Specialists; and Williamette Valley Cancer Center.

6. As he testified about at his deposition taken in this case, Bob relied on the advice of his health care providers regarding his medical treatment, use of the above listed prescription drugs, and whether or not he should continue to use them.

7. He relied on the advice of his doctors and their facilities to be fair in their pricing of prescription medications and to comport with all ethical, moral, medical, regulatory and legal standards with respect to their medical care and treatment and their bills.

8. We did not know if Bob ever received free samples of any of the prescription drugs he was administered and his medical bills and records do not indicate whether or not he received free samples of any of these drugs. Also, to the best of my knowledge, and based on his prior testimony, Bob's healthcare providers never told him whether or not he received free samples of these prescription medications.

9. We did not know if (or to what extent) Bob's doctors or their facilities received free samples of prescription medications and then billed for the free samples, as we were never told.

10. We did not know what Bob's doctors or their facilities paid for the prescription medications Bob was administered, as we were never told.

11. We did not know if (or to what extent) Bob's doctors or their facilities profited from the sale of prescription medications, as we were never told.

12. We did not know if (or to what extent) Bob's doctors or their facilities received other things of value from any of the defendant drug companies, as we were never told.

13. Prior to the filing of this action, we did not ever have occasion to read any government report, article or presentation in the media, or other document or presentation which caused us to learn about the unlawful marketing and sales practices alleged in this case to have been committed by the drug company defendants.

14. As set forth in the Complaint we filed in this action, I believe that my husband and I, and the people I represent in the certified class in this case, have suffered direct injury and damages as a result of the defendants' conduct.

15. I hereby declare under penalty of perjury that all of the foregoing statements made by me are true and correct to the best of my knowledge and information and belief.

This the 7th day of April, 2006.

/s/

M. JOYCE HOWE